

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 13-47 remain in this application and as amended herein, are submitted for the Examiner's reconsideration.

Claims 13, 25, 37-38, 41, and 44-47 have been amended to place the application in condition for allowance. Further, claim 17 has been amended to correct a minor error, and claims 39 and 43 have been amended to maintain proper antecedence. It is therefore submitted that this Amendment should be entered.

In the Office Action mailed December 29, 2003, the Examiner acknowledged that the present application claims foreign priority but indicated that only *some of the certified copies* of the priority documents have been received (Item 12). In the present Office Action, there is no indication at Item 12 as to the claim of foreign priority and there is no indication as to the receipt of certified copies of the priority document. The application claims the priority of only one foreign application, Japanese Application No. 09-222292 filed August 19, 1997. A certified copy of this application was filed with the U.S. Patent and Trademark Office together with the U.S. application. It is therefore requested that the Examiner acknowledge that *all certified copies* of the priority documents have been received.

In the present Office Action, claims 13-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshinobu (U.S. Patent No. 5,686,954) in view of Nielsen (U.S. Patent No. 5,826,031). It is submitted, however, that the claims are patentably distinguishable over the references.

The Yoshinobu patent describes the transmission of data packets that include data used when displaying a program

schedule. Packets sent over an index channel include a scheduled program information packet 23, shown in FIGS. 1B and 2, which contains the broadcast times and titles of the scheduled programs and which contains a specific ID for each classification item and sub-classification item associated with that program. The data corresponding to each ID is sent over the index channel as a list data packet, shown in FIGS. 1C and 3-8. The system that receives the broadcast signals stores the IDs associated with each scheduled program in a program data memory section of a system control section, shown in FIG. 14, and stores the data corresponding to these IDs in an ID-corresponding list data memory section of the system control section. When a request to display a program schedule is received, a display data generation section of the system control section converts the IDs stored in the program data memory section into program schedule data by referring to stored list data that corresponds to each ID. (See also col. 9, line 36 to col. 10, line 12; col. 10, lines 24-60; col. 11, line 11 to col. 12, line 27; col. 13, lines 6-13; and col. 20, lines 23-65).

The Nielsen patent describes the retrieval of remotely-stored web objects using a browser. The browser assigns a priority to each object, sorts the objects by their priorities, and then retrieves the objects from the remote servers in the order in which they appear on a sorted list. Upon receiving the object, the browser acts upon it, such as by displaying, playing, or executing the object. (See FIGS. 6-7; and col. 7, lines 10-39).

The Examiner acknowledges that Yoshinobu fails to disclose that a second on-screen display message of a second bit stream has a higher priority than a first on-screen display message of a first bit stream. The Examiner therefore contends that it would have been obvious to one skilled in the art at the

time of the invention to modify Yoshinobu to determine a message priority as taught by Nielsen so that the most important information is displayed for a user to act on first. However, Nielsen is concerned with priorities that are assigned to objects for the purpose of *retrieving remotely-stored* objects. Though, Nielsen also describes that the retrieved objects may be displayed upon being received, the patent does not require that the objects be received or displayed in the order of their ~~assigned priorities.~~ Rather, ~~the retrieval of objects having a~~ lower priority may be initiated (and completed), and the retrieved object displayed, while higher priority objects are retrieved. (See FIG. 8; and col. 7, lines 49-58). The patent does not disclose or suggest an *on-screen display* priority.

Further, the ordinary practitioner would not look to combine the teachings of Yoshinobu with those of Nielsen. The Yoshinobu patent describes the display of a *program schedule*. All of the data items of a program schedule must be available at the same time so that, e.g., when a user requests information about a given program, all information associated with the given program may be *concurrently displayed*. It would be undesirable to assign different priorities to the different data items because the assignment of such priorities would cause the higher priority items to be displayed before the lower priority items and thereby allow the concurrent display of only some of the information associated with the given program. Therefore, the ordinary practitioner would not look to modify the teachings of Yoshinobu using those of Nielsen.

Therefore, neither Yoshinobu nor Nielsen suggests:

forming a second bit stream including a second data table that includes at least one index which refers to a location of the first on-screen display message within the first data table and that includes a second on-screen display message having a higher on-screen display priority than the first on-screen

display message and which is readable independent of the first bit stream

as called for in claim 13.

It follows that the cited references do not disclose or suggest the method defined in claim 13, and claim 13 is therefore patentably distinct and unobvious over the references.

Claims 14-24 depend from claim 13 and each further defines and limits the invention set out in the independent claim. It follows that each of claims 14-24 likewise defines a combination that is patentably distinguishable over the references.

Independent claim 25 is directed to an apparatus for transmitting information that includes a second encoder having limitations similar to those set out in claim 13. Claim 25 is therefore patentably distinguishable over Yoshinobu and Nielsen at least for the same reasons.

Claims 26-36 depend from claim 25 and are distinguishable over the references at least for the same reasons.

Independent claim 37 defines a readable medium recorded with instructions for carrying out the method of claim 13 and is therefore distinguishable over Yoshinobu and Nielsen at least for the same reasons.

Independent claim 38 is directed to a method of receiving transmitted information and calls for:

determining that the on-screen display priority of the second on-screen display message is greater than the on-screen display priority of the first on-screen display message[.]

For at least the reasons set out above regarding claim 13, claim 38 is also patentably distinct and unobvious over the cited references.

Claims 39-40 depend from claim 38 and each includes the limitations set forth in the independent claim as well as

additional limitations. It follows that each of claims 39-40 likewise defines a combination that is patentably distinguishable over the references.

Independent claim 41 relates to an apparatus for receiving transmitted information that includes a processor having limitations similar to those set out in claim 38. It follows that claim 41 is patentably distinguishable over Yoshinobu and Nielsen at least for the same reasons.

~~Claims 42-43 depend from claim 41 and are therefore~~
distinguishable over the references at least for the same reasons.

Independent claim 44 is directed to a readable medium recorded with instructions for carrying out the method of claim 41. Therefore, claim 44 is distinguishable over Yoshinobu and Nielsen at least for the same reasons.

Independent claim 45 defines a method of delivering information that includes limitations similar to those set out in claims 13 and 38, independent claim 46 relates to a system for delivering information that includes an apparatus for transmitting the information similar to that defined in claim 25 and that includes an apparatus for receiving the transmitted information similar to that defined in claim 41, and independent claim 47 is directed to a readable medium recorded with instructions for carrying out the method of claim 45. Therefore, each of claims 45-47 is patentably distinguishable over the Yoshinobu and Nielsen at least for the same reasons.

Accordingly, the withdrawal of the rejection of claims 13-47 under 35 U.S.C. § 103 is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested

Application No.: 09/134,270


Docket No.: SONYJP 3.0-035

that the Examiner telephone applicant's attorney at (908)654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 12, 2005

Respectfully submitted,

By 

Lawrence E. Russ

Registration No.: 35,342

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

569188_1.DOC